

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JAMES D. SULLIVAN, *et al.*,
Plaintiffs,

v.

SAINT-GOBAIN PERFORMANCE
PLASTICS CORPORATION,
Defendant.

Civil No. 5:16-cv-125

**HEARING ON MOTION FOR
CLASS CERTIFICATION AND
DAUBERT MOTIONS**

Judge: Geoffrey W. Crawford, Chief Judge

Court Reporters: Sunnie Donath & Anne Henry

Trial Dates: April 15-18, April 22-23, April 29-30, 2019

Courtroom Deputy: Pamela Lane

DEFENDANT'S EXHIBIT LIST

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
ROBERT E. UNSWORTH (PLAINTIFFS' WITNESS)			
	EXHIBITS FOR CROSS EXAMINATION ON 4/15/19		
B	Angie's List Article: <i>Signs You May Need a New Well Pump</i>	4/15/19	x
C	Home Advisor Article: <i>How Much Does A Well Pump Cost to Replace or Install?</i>	4/15/19	x
H	Expert Report of Charles Mullin, Ph.D., 5/11/18	4/15/19	x
K	Settlement Press Release 4/10/19	4/15/19	x
L	Settlement Press Release 7/25/17	4/15/19	x
P	Expert Statement: Monetary Damages, 12/15/17	4/15/19	x
Q	Expert Statement: Rebuttal of Expert Report Provided by Dr. Charles Mullin, 8/1/18	4/15/19	x
R	Transcript of Rebuttal re: Depo of Robert Unsworth, 9/27/18	4/15/19	x
S	Transcript of Deposition of Robert Unsworth, 3/29/18	4/15/19	x
V	Unsworth Deposition (3/29/18), Exh. 12 - Article: <i>Signs You May Need a New Well Pump</i>	4/15/19	x
X	Unsworth Deposition (3/29/18), Exh. 18: E-mails between Patrick Bernal & MSK Engineering, 8/25/17	4/15/19	x

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
DONALD I. SIEGEL, PH.D. (PLAINTIFFS' WITNESS)			
	EXHIBITS FOR CROSS EXAMINATION ON 4/16/19		
A	Siegel Expert Report: PFOA Contamination in Groundwater in North Bennington, VT (9/1/17)	4/16/19	x
B	Article: Siegel, <i>Truth or Consequences for the practicing hydrologist: on scientific certainty and ethics</i> , Hydrological Processes, 15, 521-23, 2001	4/16/19	x
C	Map: Vt. Agency of Natural Resources, Area of Interest, August 2017	4/16/19	x
D	Barr Report: Draft Conceptual Modeling of PFOA Fate & Transport: North Bennington, Vermont (June 2017)	4/16/19	x
E	Chart: PFOA is a Ubiquitous Compound, EPA, Drinking Water Health Advisory for PFOA (May 2016)	4/16/19	x
F	EPA, <i>Drinking Water Health Advisory for PFOA</i> (May 2016)	4/16/19	x
G	USDA & NRCS, <i>Soil Survey of Bennington County, Vermont</i> (April 2006)	4/16/19	x
H	Surficial Geologic Map of the Bennington Area (DeSimone 2017)	4/16/19	x
I	Aquifer Recharge Potential as a Function of Surficial Materials in the Bennington Area, Vermont (DeSimone 2017)	4/16/19	x
J	Hydrogeology of the Bennington and Shaftsbury Area, Vermont (Jerris Thesis, June 1991)	4/16/19	x
K	Article: <i>Soil & Crop Science, Society of Florida</i> , Rao, P.S.C., et al., Proceedings, Vol. 44, 1985	4/16/19	x
L	Chart: Area Plume Spreadsheet	4/16/19	x
M	Siegel Rebuttal & Supplemental Report Regarding Class Certification (8/1/18)	4/16/19	x
N	Siegel Expert Report on the Merits (12/15/17)	4/16/19	x
O	Transcript: Deposition of Dr. Siegel (3/22/18)	4/16/19	x
P	Article: <i>Perfluorocarboxylic Acid Content in 116 Articles of Commerce</i> , Guo, Z., et al. (March 2009)	4/16/19	x
Q	Declaration of Donald I. Siegel, Ph.D. (10/2/17)	4/16/19	x
R	Second Declaration of Donald I. Siegel, Ph.D. with exhibits (2/13/19)	4/16/19	x
S	Zhu, W., et al., <i>PFAS Background in Vermont Shallow Soils</i> (2/8/19)	4/16/19	x

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
PHILIP K. HOPKE, PH.D. (PLAINTIFFS' WITNESS)			
	EXHIBITS FOR CROSS EXAMINATION ON 4/17/19		
C	Hopke Rebuttal Report (8/1/18)	4/17/19	x
D	Second Declaration of Dr. Hopke (2/13/19)	4/17/19	x
E	Transcript of Deposition of Dr. Hopke (4/3/18)	4/17/19	x
F	Transcript of Deposition of Dr. Hopke (10/16/18)	4/17/19	x
N	Preliminary Air Deposition Modeling Technical Memo from R. Cleary to J. Schmeltzer & R. Spiese, Vermont Dep't of Environmental Conservation (5/24/18)	4/17/19	x
O	Article: <i>Sublimation of Ammonium Salts: A Mechanism Revealed by a First-Principles Study of the NH₄Cl System</i> , R. Zhu, Journal of Physical Chemistry (2007)	4/17/19	x
Q1	Transcript of Rule 30(b)(6) Deposition by Christopher Angier (8/21/17)	4/17/19	x
1J	Transcript of Deposition of Richard G. Hoeck (12/7/18)	4/17/19	x
1U	Exhibit 47 of Deposition of Richard G. Hoeck (12/7/18)	4/17/19	x
GARY T. YODER (PLAINTIFFS' WITNESS)			
	EXHIBIT FOR CROSS EXAMINATION ON 4/18/19		
N	Slides: PFOA Deposition Rate (100, 1,000, 10,000 lb/yr Emission Rate)	4/18/19	x

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PHILIPPE GRANDJEAN, MD, MDSc (PLAINTIFFS' WITNESS)			
	EXHIBITS FOR CROSS EXAMINATION ON 4/22/19		
F	U.S. Dep't of Health & Human Services, Public Health Services, <i>ToxGuide for Perfluoroalkyls</i> (Aug. 2015)	4/22/19	x
J	Plaintiffs' Responses to First Set of Interrogatories on Class Cert. Issues (7/24/17)	4/22/19	x
Q	Grandjean - Rebuttal Report (8/1/18)	4/22/19	x
R	Grandjean - Transcript of Deposition (10/10/18)	4/22/19	x
V	Grandjean, P.: <i>Cohort studies of Faroese children concerning potential adverse health effects after the mothers' exposure to marine contaminants during pregnancy</i> , Acta Veterinaria Scandinavica 2012, 54 (Suppl. 1): 57	4/22/19	x
X	CDC: Fourth National Report on Human Exposure to Environmental Chemicals (Tables) (Feb. 2015)	4/22/19	x
Y	Agency for Toxic Substances & Disease Registry: <i>Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) Information for Clinicians</i> (1/18/17)	4/22/19	x
1C	U.S. Dep't of Health & Human Services, Public Health Services, <i>ToxGuide for Perfluoroalkyls</i> (July 2018)	4/22/19	x
1E	Letter from R. Bilott, Esq. to Drs. Steenland, Savitz & Fletcher re: <i>Leach v. E.I. duPont de Nemours & Co.</i> , Cir. Ct. of Wood County, W.V., Civil Action 01- C-608 Science Panel (1/22/10)	4/22/19	x
1M	Raleigh, K.: <i>Mortality and cancer incidence in ammonium perfluorooctanoate production workers</i> , Occupational Environmental Medicine 2014; 71:500-506	4/22/19	x
1P	Vt. Dep't of Health: <i>Exposure to PFOA in Bennington & N. Bennington, Vermont: Results of Blood Testing & Exposure Assessment</i> (Sept. 2017)	4/22/19	x
ALAN M. DUCATMAN, MD (PLAINTIFFS' WITNESS)			
	EXHIBITS FOR CROSS EXAMINATION ON 4/23/19		
A	Ducatman Class Report (9/1/17)	4/29/19	x
B	Ducatman Merits Report (12/15/17)	4/29/19	x
C	Ducatman Rebuttal Report (8/1/18)	4/29/19	x
D	Ducatman Deposition Transcript (2/28/18)	4/29/19	x
K	CDC: <i>Fourth National Report on Human Exposure to Environmental Chemicals</i> , Update Tables (Feb. 2015)	4/29/19	x
L	CDC: ATSDR: PFAS Information for Clinicians (1/18/17)	4/29/19	x
M	U.S. Preventive Services Task Force Procedure Manual: Assessing Magnitude of Harm (Dec. 2015)	4/29/19	x

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
1B	Fed. Reg. Vol. 60, No. 145: ATSDR's Final Criteria for Determining Appropriateness of a Medical Monitoring Program Under CERCLA (7/28/95)	4/29/19	X
1C	ATSDR, Tox Guide (2018)	4/29/19	X
1H	Frisbee, S.J., <i>et al.</i> , <i>Perfluorooctanoic Acid, Perfluorooctanesulfonate, & Serum Lipids in Children & Adolescents: Results from C-8 Project</i> , Arch Pediatric Adolesc Med., 164(9): 860-869) (Sept. 2010)	4/29/19	X
1L	Mayo Clinic BMI Chart	4/29/19	X
1N	Steenland, K., <i>et al.</i> , <i>Association of PFOA & Perfluorooctane Sulfonate with Serum Lipids Among Adults Living Near a Chemical Plant</i> . Am J Epidemiol 2009: 170:1268-1278	4/29/19	X
1P	Exposure of PFOA in Bennington & N. Bennington, Vt.: Results of Blood Testing & Exposure Assessment, Vermont Dep't of Health (Sept. 2017)	4/29/19	X
1Q	<i>Wiley v. Fairmont General Hosp.</i> , Transcript from Depo, of Alan Ducatman (6/17/96)	4/29/19	X
1S	Fed. Reg. Vol. 63, No. 110: ATSDR Decision Documents re: Bunker Hill, Idaho Medical Monitoring Program (6/9/98)	4/29/19	X
1Y	Slides: Considerable Individual Differences	4/29/19	X
1Z	Slides: Proposed Monitoring Program Not Different	4/29/19	X

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PHILIP S. GUZELIAN, M.D. (DEFENSE WITNESS) EXHIBITS FOR EXAMINATION ON 4/29/19			
1J	EPA Drinking Water Health Advisory for PFOA (2016)	4/30/19	X
1N	Guzelian, C.P., <i>A Quantitative Methodology for Determining the Need for Exposure-Prompted Medical Monitoring</i> , Indiana Law Journal (2004), 79:57	4/30/19	X
1Q	IARC Monograph, <i>Some Chemicals Used as Solvents and in Polymer Manufacture</i> , Vol. 10 (2016)	4/30/19	X
1R	National Cancer Institute Obesity and Cancer Fact Sheet	4/30/19	X
2F	Guzelian Slides	4/30/19	X

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
SORELL SCHWARTZ, PH.D. (DEFENSE WITNESS) EXHIBITS FOR EXAMINATION ON 4/29-4/30/19			
A	Curriculum Vitae	4/30/19	X
B	Schwartz, S., <i>Shepard's Expert & Scientific Evidence Quarterly, An Overall Conceptual Approach to the Problem of Causation</i> , Vol. 3, No. 1 (Summer 1995)	4/30/19	X

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
C	Schwartz, S., <i>Looking Backward: The Bayesian Approach to Assessing Causation (Science on the Witness Stand, Evaluating Scientific Evidence in Law, Adjudication and Policy)</i> , OEM Press, 2001, pp. 115-130	4/30/19	X
D	Schwartz Rebuttal Report (10/26/18)	4/30/19	X
E	Feynman, R., <i>Cargo Cult Science: Some remarks on science, pseudoscience, and learning how not to fool yourself. Caltech's 1974 commencement address.</i> (1974)	4/30/19	X
F	Dr. Philippe Grandjean's Rebuttal Report (8/1/18)	4/30/19	X
G	Weed, D., <i>Weight of Evidence: A Review of Concept and Methods</i> , Society for Risk Analysis, Vol. 25, No. 6, 2005	4/30/19	X
H	Christensen, K., <i>Exposure to polyfluoroalkyl chemicals during pregnancy is not associated with offspring age at menarche in a contemporary British cohort</i> , Environ Int. Jan. 2011, 37(1): 129-135	4/30/19	X

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
CHARLES MULLIN, PH.D. (DEFENSE WITNESS) EXHIBITS FOR EXAMINATION ON 4/30/19			
A	Angie's List - Signs You May Need a New Well Pump	4/30/19	X
C	Linda Crawford - Deposition Transcript (4/25/18)	4/30/19	X
D	Ronald Hausthor - Deposition Transcript (4/24/18)	4/30/19	X
E	James Sullivan - Deposition Transcript (4/9/18)	4/30/19	X
F	Theodore Crawford - Deposition Transcript (5/1/18)	4/30/19	X
G	Mullin Rebuttal Report (10/19/18)	4/30/19	X
H	Mullin Expert Report (5/11/18)	4/30/19	X
I	Article: <i>A little maintenance will take your pressure tank a long way</i> (11/15/13)	4/30/19	X
J	Settlement Press Release (4/10/19)	4/30/19	X
K	Settlement Press Release (7/25/17)	4/30/19	X
L	Unsworth Expert Report (8/31/17)	4/30/19	X
M	Unsworth Declaration	4/30/19	X
N	Unsworth Expert Report (12/15/17)	4/30/19	X

NO.	DESCRIPTION OF EXHIBIT	OFFER	ADMIT
O	Unsworth Rebuttal Report of Dr. Mullin (8/1/18)	4/30/19	x
P	Unsworth Deposition Transcript (9/27/18)	4/30/19	x
Q	Unsworth Deposition Transcript (3/29/18)	4/30/19	x
X	William Sumner - Deposition Transcript (4/11/18)	4/30/19	x
1A	Dr. Raymond Kopp - Expert Report re: <i>LeClercq v. Lockformer</i> , Case No. 00 C 7164	4/30/19	x
1B	Mullin - Slides	4/30/19	x